

## DURING A TENANCY POLICY

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### **1 Purpose**

EHL works with renters and their support workers (where applicable) to sustain tenancies and ensure that the tenancies are secure, affordable, sustainable and safe.

This Policy establishes the approach of EACH Housing (EHL) for the duration of a tenancy.

#### **1.1 Legal Requirements**

EHL ensures that its documentation and processes comply with the Residential Tenancies Act Victoria (RTA) and also any additional requirements from its funding agreements.

EHL considers best practice and reviews its documentation for “During a Tenancy” from time to time and at least once every two years.

#### **1.2 Security of Tenure**

EHL’s long term housing programs provide security of tenure. From time to time, security of tenure becomes an issue for some renters due to various circumstances. These could be due to rent arrears, breaches of tenancy agreements (such as breaching quiet enjoyment) and damage to properties.

EHL takes this process seriously and endeavours to work with the renters, their support workers and advocates to prevent an eviction and resolve any breaches (rent arrears or otherwise).

EHL works within the Residential Tenancies Act and Victorian Civil and Administrative Tribunal (VCAT) and has procedures for rent arrears, breaches of tenancy agreement, evictions, orders and warrants of possession.

Warrants for possession are reported to the EHL Board as part of the management report.

#### **1.3 Sustainable - Rent Review**

To ensure that our housing is sustainable, EHL undertakes rent reviews from time to time and once per year to ensure compliance with the RTA. EHL has clear processes for rent reviews and charges rent according to its rent setting policy.

#### **1.4 Sustainable- Safety and Condition of Property**

To ensure that our housing is safe and that our properties are fit for purpose, EHL ensures that it undertakes annual inspection of its properties and has an overall strategy for managing its assets including responsive, schedule, planned and capital works.

In particular, EHL ensures that the properties meets requirements for occupancy including complying with fire safety requirements including smoke detectors, essential services and essential service maintenance reports as appropriate.

#### **1.5 Sustainable - Absence from Property**

Renters are responsible for rent payments to ensure they have the right to renter the property. EHL is dependent on the rent to ensure that the housing program is sustainable. From time to time, renters may be absent from the property due to a program that they may wish to attend, illness or other circumstances. During these periods of absence, the renters are still responsible for the property and ensuring the property is secure and that they comply with rental agreement including rent payments.

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On case by case situation, EHL may consider a rental reduction or a payment plan due to unforeseen circumstances.

### 1.6 Tenancy Transfer

Renters may request tenancy transfers within the EHL portfolio or within the public and or other social housing.

If the current housing of the renter is within the “opt in” list of Victorian Housing Register (VHR), the renter can work through the VHR to request a transfer.

Housing transfers outside the scope of the VHR will be considered on case by case basis.

### 1.7 Working with Renter’s Support

EHL believes in the housing first model and that housing provides a base for the renter to receive the various supports to live independently. EHL recognises that some renters will successfully transition to not requiring formal supports. Further, EHL also recognises that some renters, despite not requiring formal supports may from time to time require intervention. Within reason, EHL works with its partner organisations and develops processes to link clients who require support at different times.

EHL will monitors the status of support for renters.

### 1.8 Administration

EHL ensures that its systems are accurate and that data collection and storage are well ordered to manage the tenancy.

## 2 Scope

This policy applies to all EHL long term properties managed by EHL (owned or leased).

This policy does not apply to the following:

- Deuchar Place as this is accommodation for respite.
- Programs operated by EACH (not EHL) which include accommodation as part of the program. Examples of this includes Youth Residential Rehabilitation Programs and Residential Drug and Alcohol Rehabilitation.

## 3 Definitions

Residential Tenancies Act 1997 (RTA) - In Australia, laws that apply to tenancy agreements vary from state to state. The legislation that covers Rental Providers and renters in Victoria is called the Residential Tenancies Act (RTA). The purpose of the RTA is to define the rights and duties of Rental Providers and renters/residents of:

- Rented premises
- Rooming houses
- Caravan parks

Renters’ rights and duties vary slightly with each of the options.

The provisions in the RTA outline procedures to avoid and/or resolve disputes under the Act.

Renter - A person who occupies land or property rented from a Rental Provider

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### 4 How the Policy can be changed

EHL may from time to time implement changes to this policy. The revised policy will apply to all tenancies on and from the date of the change.

EHL will implement strategies to mitigate the effect of any changes of this policy on renters and households.

### 5 Contact Officer

The Housing Manager – EACH Housing via email: [tenancyservice@each.com.au](mailto:tenancyservice@each.com.au)

### 6 References/Relevant Legislation

This policy implements the obligations of EHL under the following:

- Residential Tenancies Act .1997 (Vic)
- Department of Health and Human Services
- Consumer Affairs Victoria
- Housing Registrar
- Victorian Housing Register
- Housing Act 1983 (Vic)

### 7 Implementation Procedures

Procedures established by EHL include processes to ensure compliance with this policy, including the following:

- Rent Arrears Procedure
- Breach of Tenancy Procedure
- Property Inspection Procedure
- Good Neighbour Guideline
- Service Level Agreements (Housing Provider and Support Provider)
- Centrepay
- Tenancy Transfer

### 8. Related Policies/Documents

- Rent Setting Policy
- Starting a Tenancy Policy
- Long Term Housing Allocations Policy
- Consumer Affairs Renters Rights and Responsibility Booklet
- Condition Report
- Rent Certificate

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- Centrepay Form
- Maintenance Procedure